A BILL FOR AN ACT

RELATING TO INFLUENZA IMMUNIZATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that since 1981, the Centers for Disease Control and Prevention has recommended that all health care workers receive an annual influenza vaccination. Because health care professionals are looked to for guidance on good health practices, increasing the number of health care personnel in hospitals that receive the influenza vaccine sets a positive example that will encourage the community to proactively protect themselves from the flu.

The purpose of this Act is to require annual influenza vaccinations for health care workers in hospitals who have contact with patients.

SECTION 2. Chapter 325, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§325- Influenza vaccination of health care workers. (a) Each hospital in the State shall establish influenza vaccination requirements as follows:
(1) Require that all health care workers receive influenza vaccinations as a precondition to employment and on an annual basis in accordance with the latest recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention no later than the start of the influenza season;

(2) Notify all health care workers of the influenza vaccinations requirements of this section;

(3) Provide all health care workers with education about the benefits of influenza vaccine and potential consequences of influenza illness and maintain a written policy regarding the annual influenza vaccinations of its health care workers that, at a minimum:

(A) Ensures that each of its health care workers has either proof of vaccination or a medical exemption signed by a physician, physician assistant, advanced practice registered nurse, or nurse midwife licensed in the State stating that the influenza vaccination for that individual is
contraindicated as described in the product 
labeling approved by the United States Food and 
Drug Administration; and

(B) Ensures that each health care worker who does not 
have proof of influenza vaccination wears a 
surgical or procedure mask during influenza 
season when in direct contact with patients and 
in common areas as specified by the hospital's 
policy. Such masks shall be in addition to other 
standard personal protective equipment;

(4) Provide or arrange for influenza vaccination at no 
cost to health care workers, either at the hospital or 
at an alternate location chosen by the health care 
worker, before the start of the influenza season of 
each year;

(5) Determine whether health care workers hired after 
October 1 and before April 1 of each year have 
received the required influenza vaccination. If the 
health care worker has not received the influenza 
vaccination, the hospital shall provide or arrange for 
influenza vaccination, at no cost to the health care
worker. The health care worker may receive the vaccination either at the hospital or at an alternate location chosen by the health care worker before employment or within one week of employment;

(6) Maintain completed and signed certificates of influenza vaccination for one year; and

(7) Collect aggregate data on health care worker influenza vaccination status for the period beginning October 1 and ending March 31 of the following year.

(b) A hospital shall not require a health care worker to receive an influenza vaccine if:

(1) The health care worker presents to the hospital a licensed health care provider's written statement indicating that the health care worker has a condition contraindicated for vaccination;

(2) The health care worker presents to the hospital a written statement verifying that the worker opposes the administration of the vaccine based upon a sincere religious belief; or

(3) An authorized official of the department determines that there is an insufficient supply of vaccine given
the number of health care workers to be vaccinated or
the vaccine is not reasonably available.

(c) As used in this section, unless the context clearly
indicates otherwise:

"Certificate of influenza vaccination" means a written
statement indicating the influenza vaccination status of a
health care worker, the vaccine administered, and the date of
administration or, if applicable, the reason the health care
worker was exempt from the influenza vaccination requirement.

"Department" means the department of health.

"Health care worker" means all persons, whether paid or
unpaid, working or delivering services in a health care
facility, including contractors and their employees whose
occupational activities involve direct or indirect contact with
patients or contaminated material in a health care, hospital, or
clinical laboratory setting.

"Hospital" means a facility licensed by the department of
health and accredited by The Joint Commission or an institution
with an organized medical staff that admits patients for
inpatient care, diagnosis, observation, and treatment.
"Influenza season" means October 1 through March 31 of the following year or as otherwise defined by the department.

"Influenza vaccine" means a currently licensed vaccine product approved by the United States Food and Drug Administration and intended to produce influenza immunity."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2016.

INTRODUCED BY: [Signature]

[Signature]
Report Title:
Health Care Workers; Influenza Vaccination

Description:
Requires annual influenza vaccinations for health care workers. Establishes exemptions for influenza vaccination requirement under certain conditions.

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